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Attorney for Plaintiff
WAYNE BERRY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;) Civ. No. CV03 00385 SOM-LEK
) (Copyright)
Plaintiff,)
) DECLARATION OF
vs.) TIMOTHY J. HOGAN
)
HAWAIIAN EXPRESS SERVICE,)
INC., a California corporation; et al.)
)
Defendants.)
_____)

DECLARATION OF TIMOTHY J. HOGAN

I, TIMOTHY J. HOGAN, am an attorney licensed to practice before all the courts of the State of Hawaii and I hereby respectfully submit this declaration under penalty of perjury. All the statements herein are true and correct to the best of my knowledge, information and belief. If called upon to testify regarding the

matters herein, I am qualified and willing to do so.

1. On May 10, 2006, Plaintiff Wayne Berry filed a motion for recusal regarding the Magistrate Judge.
2. On Wednesday April 10, 2006, at 11:00 am, I sent an email to counsel requesting that they agree to shortening time on the hearing on the Motion to Recuse.
3. I received an email response from Margery Bronster, Esq. representing Guidance Software, Inc. and Michael Gurzi. Ms. Bronster did not object to shortening time but objected to my suggestion that time be shortened to permit two days to response. In a subsequent email, Ms. Bronster suggested one week to file a response. Michael Baumann, Esq., representing the PCT, has also agreed to shorten time and concurred with Ms. Bronster's request for a week and I agreed on behalf of the Plaintiff. I have received no other responses either for or against the relief sought.
4. This is the first request for the relief sought in this motion.
5. Plaintiff respectfully asks that the Motion shortening time be granted so that there will not be any delay in obtaining a final judgment in this case.

4. The Court is requested to set a hearing as soon after briefing as practicable.

DATED: Honolulu, Hawaii, May 10, 2006.

/S/Timothy J. Hogan
TIMOTHY J. HOGAN